

# SENATE JOURNAL

*Fifty-seventh Legislature—First Called Session*

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AUSTIN, TEXAS, MONDAY, JULY 10, 1961

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## PROCEEDINGS

### FIRST DAY

(Monday, July 10, 1961)

In obedience to the proclamation of the Honorable Price Daniel, Governor of the State of Texas, the Senate met in the Senate Chamber at the City of Austin, on the tenth day of July, 1961, at 3:00 o'clock p.m., and was called to order by the President.

### Quorum Present

The President directed the Secretary to call the roll of the Senate.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

### Officers of the Senate

The President announced that the duly elected officers of the Senate named in the Caucus Report for the 57th Legislature would continue in office for the First Called Session of the 57th Legislature.

### Proclamations by the Governor Calling Special Session

The President laid before the Senate and directed the Secretary to read the following proclamations from the Governor:

### PROCLAMATION

by the  
Governor of the State of Texas  
41-901

To All to Whom These Presents Shall Come:

I, Price Daniel, Governor of the State of Texas, do by virtue of authority vested in me by the Constitution of Texas, hereby call a special session, 57th Legislature, to be convened in the City of Austin, commencing at 11 a.m., Monday, the 10th day of July, A.D. 1961, for the following purposes:

1. To enact appropriations for the general State services authorized under existing law or Acts of the 57th Legislature, Regular Session, for the biennium beginning September 1, 1961, and ending August 31, 1963; to provide sufficient economy and revenue measures to meet these expenditures and retire the deficit in the State Treasury, including an adequate procedure for the custody, reporting and escheat of property to which the State is entitled under present laws; and to enact improvements in the public schools, including teacher salary increases.

2. To consider and act on such other subjects and questions as the Governor may submit from time to time.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Done at Austin, Texas, this thirtieth day of May, A.D., 1961, under the Seal of this State properly attested by the Secretary of State.

[Seal] PRICE DANIEL,  
Governor.

ATTEST:  
P. FRANK LAKE,  
Secretary of State.

**PROCLAMATION**  
by the  
**Governor of the State of Texas**  
**41-901-A**

To All to Whom These Presents Shall  
Come:

I, Price Daniel, Governor of the State of Texas, do hereby amend the Proclamation issued on May 30, 1961, calling a special session of the 57th Legislature, for the purposes as set forth therein, so as to provide that such session shall be convened in the City of Austin, Texas, commencing at 3:00 P.M., Monday, the 10th of July, A.D. 1961, rather than the original time set. This is issued in respect for the memory and distinguished service of the late Marshall O. Bell, Dean of the House of Representatives, in order that members may attend his funeral Monday morning, July 10.

Done at Austin, Texas, this seventh day of July, A.D. 1961, under the Seal of this State properly attested by the Secretary of State.

[Seal]                      PRICE DANIEL,  
Governor.

ATTEST:  
P. FRANK LAKE,  
Secretary of State.

The Proclamations were read and were filed with the Secretary of the Senate.

**Motion in Writing**

Senator Aikin submitted the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor that the Senate is organized and ready for business.

AIKIN

The motion was read and was adopted.

Accordingly, the President announced the appointment of the following as a committee to notify the Governor: Senators Moffett, Martin, Owen, Rogers and Patman.

**Motion in Writing**

Senator Aikin submitted the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the House that the Senate is organized and ready for business.

AIKIN

The motion was read and was adopted.

Accordingly, the President announced the appointment of the following as a committee to notify the House of Representatives: Senators Baker, Schwartz, Kazen, Krueger and Creighton.

**Senate Resolution 1**  
(Caucus Report)

Senator Aikin offered the following resolution:

Austin, Texas,  
July 10, 1961.

Honorable Ben Ramsey, Lieutenant Governor,  
Senate of Texas,  
Austin, Texas.

Sir: At a caucus held in the office of the Senate attended by 26 Members of the Senate, the following recommendations were made, to-wit:

The following officers were elected to serve for the 57th Legislature, First Called Session, and at the salaries set opposite their names:

Secretary of the Senate, Charles Schnabel, \$550.00 per month.

Two Assistant Secretaries of the Senate, which shall be appointed by the Secretary of the Senate, \$14.00 per day.

Journal Clerk, Mrs. Minnie Meier, \$15.00 per day.

Sergeant-at-Arms, for the duration of the First Called Session, John Dorman, \$16.50 per day, plus \$50.00 per month.

Doorkeeper, Charlie Jones, \$13.00.

Chaplain, Rev. W. H. Townsend, \$11.00.

Calendar Clerk, Mrs. Martha Turner, \$14.00.

Engrossing and Enrolling Clerk, Miss Essie McGinnis, \$19.00.

Postmistress, Mrs. Vance Stockton, \$14.00.

Mailing Clerk, Mrs. John Draper, \$14.00.

Parliamentarian, named by the Lieutenant Governor, Mrs. Mary Joe Carroll, \$16.50.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name one secretary, the secretary of the Lieutenant Governor to receive \$16.00 per day and the secretary of the Secretary of the Senate to receive \$14.00 per day. The salaries of other employees of the Senate may be supplemented at the discretion of the Contingent Expense Committee. All officers and employees elected by this caucus shall hold their office or employment for the duration of the First Called Session of the 57th Legislature.

It is further recommended that each Senator shall be permitted to employ a secretary and other office help at a maximum payroll of \$38.00 per day for each such Senator's secretary and employees with the maximum pay of \$14.00 per day for any such secretary or other office employee. The names of such employees shall be referred to an assignment committee hereinafter provided for and such committee shall be authorized to select employees from such list. Salaries of other employees unless otherwise fixed by the Senator, shall be \$12.00 per day.

It is further recommended that the Lieutenant Governor be authorized to name a committee of five, such committee shall be designated as an Assignment Committee for the purpose of assigning employees as herein authorized and the committee be authorized to select sufficient additional employees to be assigned by it when and where needed.

It is further recommended that the employees and the porters who were selected to prepare the Senate Chamber in advance of the meeting be allowed pay for their services.

It is further recommended that the several appointments of employees heretofore made by the Lieutenant Governor and announced in the Senate and considered by the caucus are confirmed.

The salaries of the day and night elevator operators shall be \$8.00 per day each, and the salaries of the porters shall be \$7.00 per day each, except the head porter whose salary

shall be \$12.00 per day and the porter carrying the mail shall receive \$7.00 per day, and the salaries of the pages shall be \$5.00 per day, and the salaries of the messengers shall be \$6.50 per day.

The Lieutenant Governor is requested to recommend that the Southwestern Bell Telephone Company employ Miss Mary Jacobs to attend the duties of the telephone operator of the Senate, and a night operator be named by the assignment committee, out of the employees whose names are filed with said committee.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate, shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at eight o'clock a.m., and one o'clock p.m., each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate, be allowed the stationery and postage needed by them, respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that 1700 journals be printed, all of which shall

be prorated among the Senators and Lieutenant Governor, except that 175 journals shall be furnished the members of the House.

It is further recommended that the State Library be furnished 75 copies of the daily journals.

It is further recommended that the Senate request the State Comptroller of Public Accounts, to issue general revenue warrants for pay of the members and employees of the Senate upon presentation of the payroll account signed by the Presiding Officer and the Secretary of the Senate.

It is further recommended that each Senator, the Lieutenant Governor, the Secretary of the Senate, and Librarian be permitted to subscribe for 2 newspapers to be paid for out of the contingent fund.

The elected officers of the Senate may select, subject to the approval of the Contingent Expense Committee, employees to fill such key positions as may be authorized by said committee.

It is further recommended that the President of the Senate has exclusive appointment of a sufficient number of custodians, messengers, pages, elevator operators, porters and other employees as in his judgment may be necessary.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee.

It is further recommended that the private rooms allotted to the Senators by the method as adopted by the caucus be assigned to Senators and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the Chairman of the Assignment Committee aforesaid the names of the employees selected, together with his or her post office address.

Be it further resolved, That no employee of the Senate except those

whose official duties require them to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, which, when performed, he will immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have the privileges of the floor during the sessions of the Senate shall be permitted on the Senate floor for a period of thirty minutes prior to the time the Senate convenes. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such thirty minute period.

Respectfully submitted,  
WEINERT  
Chairman of the Caucus  
AIKIN  
Secretary of the Caucus

On motion of Senator Aikin and by unanimous consent the reading of the resolution was dispensed with and the resolution was adopted.

#### Record of Vote

Senator Moffett asked to be recorded as voting "Nay" on the adoption of the above resolution.

#### Senate Resolution 2

Senator Aikin offered the following resolution:

Resolved, That the permanent rules of the Senate of the 57th Legislature as adopted by the Senate on January 10, 1961, and as published in the Manual of the 56th Legislature, as amended by the Senate on February 15, 1961 (S. R. No. 62) and March 28, 1961 (S. R. No. 239), be adopted as the permanent rules of the Senate for the First Called Session of the 57th Legislature.

The resolution was read and was adopted by the following vote:

Yeas—30

Aikin	Creighton
Baker	Crump
Calhoun	Dies
Colson	Fuller

Gonzalez	Owen
Hardeman	Parkhouse
Hazlewood	Patman
Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Schwartz
Lane	Secrest
Martin	Smith
Moffett	Weinert
Moore	Willis

Nays—1

Rogers

**Senate Concurrent Resolution 1**

Senator Herring offered the following resolution:

S. C. R. No. 1, Providing Joint Session on Monday, July 17, 1961 at 10:00 o'clock a.m. to hear address by the Honorable Lyndon B. Johnson, and His Excellency, Mohammed Ayub Khan.

Whereas, On July 14, 15, and 16, the State of Texas will be honored with the presence of His Excellency the President of the Republic of Pakistan, the Honorable Mohammed Ayub Khan, on the occasion of his visit to the home of our distinguished Vice President of the United States, the Honorable Lyndon B. Johnson; and

Whereas, The Vice President of the United States with his guest, the President of the Republic of Pakistan, will visit in Austin on the morning of July 17; and

Whereas, This distinguished guest occupies the highest office in the government of his nation, comparable to our own Presidency, having succeeded to that office on October 27, 1958, after a brilliant career in the military branch of his country. In preparation for his career, he studied at Aligarh Moslem University and graduated from the Royal Military College at Sandhurst, England. He served with distinction in the British Indian Army and saw action during World War II on the Burma Front. From 1951-1958, he ranked as Commander-in-Chief of the Pakistan Army and was made a Field Marshal in 1959.

Whereas, The visit of His Excellency, Mohammed Ayub Khan, is of great significance in furthering our fine relations with the people of Pakistan and it is a distinct privilege to welcome this dedicated leader of the

people of the Republic of Pakistan to our State of Texas; and

Whereas, The appearance of the Vice President of the United States and the President of the Republic of Pakistan is of worldwide significance, and it is the desire of the Legislature of the State of Texas to be host to these two distinguished world leaders; now, therefore, be it

Resolved, That the Senate of the State of Texas, the House of Representatives concurring, in due recognition of the visit of the Vice President of the United States, the Honorable Lyndon B. Johnson, and the President of the Republic of Pakistan, Mohammed Ayub Khan, to the State of Texas, and in particular to the Capitol City of Austin, will meet in joint session at ten o'clock on Monday morning, July 17, 1961, in the House of Representatives, for the purpose of hearing the Vice President of the United States and the President of the Republic of Pakistan.

The resolution was read.

On motion of Senator Herring and by unanimous consent the resolution was considered immediately and was adopted.

**Senate Bills on First Reading**

The following Senate bills were introduced, read first time and referred to the committees indicated:

By Senator Roberts:

S. B. No. 1, A bill to be entitled "An Act appropriating money for the support of the Judicial, Executive, and Legislative branches of the State Government, for the construction of State buildings, the payment of claims against the State, and for State aid to designated public junior colleges, for the two-year period beginning September 1, 1961, and ending August 31, 1963; authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds; and declaring an emergency."

To the Committee on Finance.

By Senator Aikin:

S. B. No. 2, A bill to be entitled "An Act amending Sections 1 and 2 of Article IV of Senate Bill 116, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as last amended by House Bill 8, Chapter

390, Acts of the 55th Legislature, R. S., to provide a new teacher and administrator salary schedule with increments; amending Section 1 of Article V of Senate Bill 116, supra, as amended by House Bill 376, Chapter 241, Acts of the 53rd Legislature, R. S., to provide for an increased operating cost allotment; amending Subsections (2) (a) and (b) of Section 2 of Article V of Senate Bill 116, supra, as amended by Senate Bill 102, Chapter 409, Acts of the 55th Legislature, R. S., to increase the allowable total base costs for each bus; amending Sections 1, 2 and 4 of Article VI, Senate Bill 116, supra, as amended by Senate Bill 1, Chapter 5, Acts of the 53rd Legislature, first C. S., 1954, and by Senate Bill 163, Chapter 174, Acts of the 53rd Legislature, R. S., 1953 (Article 2922-16, Sections 1, 2 and 4, V.A.C.S.), to fix the amount to be charged for the 1961-62 school year against the local school districts toward the Foundation School Program and the method to determine thereafter, annually, such charge; providing a repealing and severability saving clause and declaring an emergency."

To the Committee on Education.

#### Governor Notified

The Committee to Notify the Governor that the Senate was organized appeared at the Bar of the Senate and Senator Moffett for the committee notified the President that it had performed the duty assigned.

#### House Notified

The Committee to Notify the House that the Senate is organized appeared at the Bar of the Senate, and Senator Baker for the committee reported that the committee had performed the duty assigned it.

#### Senate Notified

A committee from the House appeared at the Bar of the Senate and Representative McIlhenny for the committee announced that the House of Representatives was organized and ready to transact business.

#### Recess

On motion of Senator Hardeman the Senate at 3:12 o'clock p.m. took recess until 10:00 o'clock a.m. tomorrow.

#### FIRST DAY

(Continued)

(Tuesday, July 11, 1961)

#### After Recess

The Senate met at 10:00 o'clock a.m. and was called to order by Senator Aikin.

#### Designation of Presiding Officer

The Presiding Officer laid before the Senate and directed the Secretary of the Senate to read the following:

Austin, Texas,  
July 10, 1961.

Senator A. M. Aikin  
State Capitol  
Austin, Texas

Dear Senator Aikin:

Under the provisions of Rule 5 of the Senate Rules I hereby designate you to perform the duties of the Chair during my absence, and until a President Pro Tempore of the Senate is elected and qualified.

Sincerely,  
BEN RAMSEY

#### Presentation of Guests

Senator Weinert by unanimous consent presented as guests of the Senate today his daughter, Mrs. Thomas P. Lovett (Johnnye Jean) and grandchildren Jane, John Weinert and Ann Lovett to the Members.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
July 11, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 1, Providing for Joint Session of the Legislature at ten o'clock on Monday morning, July 17, 1961, for the purpose of hearing addresses by the Honorable Lyndon B. Johnson, Vice President of the United States and the Honorable Mohammed Ayub Kahn, President of the Republic of Pakistan.

H. C. R. No. 1, Providing for a Joint session at 10:30 a.m. on July 11, 1961, to hear the Governor's message.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives